

# Audit of the Operational Delivery Division

Allergens Controls in FSS Approved Establishments

2023/2024 - Quarter 1

Final Report issued: November 2023



## Foreword

Audits of Food Standards Scotland's Operational Delivery Division are part of the arrangements to improve consumer protection and confidence in relation to food and feed.

The audit scope was detailed in the audit brief and plan issued to the Operational Delivery Division on 5<sup>th</sup> April 2023. The aim of the audit is to maintain and improve consumer protection and confidence by ensuring that the Operational Delivery Division is providing effective verification of Food Business Operators' Allergen Management Controls in those approved establishments under their remit.

Food Standards Scotland's audits assess conformance against retained Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law and the associated planned arrangements. The provisions for conducting audits are provided for in Article 6 of retained Regulation (EU) 2017/625.

The audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland's policy on food safety, standards and feeding stuffs.

Specifically, this audit aimed to establish:

- Verification that official controls are carried out in compliance with planned arrangements.
- Verification that planned arrangements are applied effectively.
- Verification that planned arrangements are suitable to achieve the objectives of official controls.

Following the audit, it is expected that for any recommended point for action, the Operational Delivery Division will prepare and implement an action plan which will incorporate a root cause analysis of any non-compliance. A list of recommendations is provided in the action plan template at the end of this report.

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## 1.0 Introduction

- 1.1 This report records the outcomes of the audit of Food Standards Scotland's (FSS) Operational Delivery Division, with regard to the verification of Food Business Operators' (FBOs) Allergen Management Controls within the overarching delivery of official controls in those approved establishments under their remit.
- 1.2 The overarching criteria which detail the standards that the assessment has been made against are contained within the relevant sections of [Retained Regulation \(EU\) 2017/625](#).
- 1.3 The guidance relating to the current planned arrangements and referred to throughout this report will be the primary policy implementation and procedural references within:
  - Scottish Manual for Official Controls (SMOC) and internal procedures provided by the Operational Delivery Division.
- 1.4 This audit subject was selected because of the increasing prevalence of allergen related incidents in the population with an increasing media focus and public awareness of allergen issues.
- 1.5 No previous specific audits covering allergen management in FSS approved establishments have taken place to date. It became evident that allergens had not been considered other than as an extension of Hazard Analysis and Critical Control Point (HACCP) and as result the interventions were neither fully complying with the requirements of the legal framework, or that the SMOC was fully complete as a Guidance document on this subject. These factors are likely to result in potential reputational and public health risks for FSS with potentially a high impact.
- 1.6 This audit consisted of both remote and on-site components. The remote part comprised a desk top audit of submitted evidence coupled with virtual interviews of some FSS staff responsible for the management and delivery of the service. The on-site verification element took place in three different standalone cutting plants located within the three operational areas.
- 1.7 In view of the diversity of the meat establishments within the Operational Delivery Division's remit, it was agreed that the criteria to select the on-site visits would take into account the likelihood of the use of ingredients containing allergens in the production processes in those selected establishments, as well as allowing engagement with different Veterinary Auditors delivering this verification.
- 1.8 The audit focused on the arrangements for meeting certain operational criteria, particularly in relation to guidance, procedures, capacity, capability, records, and internal monitoring.

### **Reason for the Audit**

- 1.9 As detailed in the Foreword, Article 6 of retained Regulation (EU) 2017/625 requires Competent Authorities to carry out internal audits or have audits carried out on themselves.
- 1.10 The audit programme covering the official controls delivered by FSS is carried out as an internal audit by FSS's Audit Assurance Division. This audit forms part of that audit programme.

### **Scope of the Audit**

- 1.11 It was agreed that the audit scope would cover:
- An assessment of policies, plans and procedures for compliance with relevant legislation and guidance issued by FSS's Operational Delivery Division.
  - The verification of application of, and adherence to, documented policies, plans and procedures.
  - The identification and dissemination of good practice.
  - The provision of information to aid future FSS policy and operational development.

## **2.0 Executive Summary**

- 2.1 Verification of FBOs' Allergen Management Controls in FSS approved establishments is delivered by the Operational Delivery Division through the application of multiple official controls. These planned arrangements are embedded within the annual audit cycle for each establishment, and require effective and consistent delivery of those official controls needed to verify the FBOs Food Safety Management Systems. This is done through a number of official control interventions to each establishment as determined by the application of the resource calculation formula.
- 2.2 This audit produced findings directly related to the audit subject but also raised important strategic and policy related findings arising directly from the enforcement of allergen controls. These are also therefore reported as part of this audit and indicate the need for consideration at a higher level of governance engaging different FSS Divisions, External Partners and Local Authorities.

### **Specific findings to the subject audited.**

- 2.3 Capacity levels and staff authorisations which were suitable to deliver the audit programme by the Operational Delivery Division were demonstrated.
- 2.4 The audit observed a reasonable level of allergen awareness by those members of the Operational Delivery Division staff interviewed during the audit.
- 2.5 There are few references in the SMOC to allergens or specific operational guidance directed to the verification of FBO Allergen Management Controls at

plant level. We consider that there is a need to enhance the emphasis given to allergens within the Manual to strengthen and improve the content.

- 2.6 The audit noted there is also a need for enhancing the content relating to allergens and allergen management controls verification in the training material given to Official Veterinarians and Meat Hygiene Inspectors from a more specific focus to complement the current HACCP Level 3 and 4 training already provided. FSS's online Allergy Training, available on the FSS website, was not made compulsory and there is uncertainty as to the uptake and level of completion by field staff. The audit welcomes the collaboration of the Operational Delivery Division in the Allergen Awareness Project with Food Standards Agency's Veterinary Auditors with the ultimate aim being to produce specific allergen training directed to Authorised Officers.

### **Part specific findings to the subject audited.**

- 2.7 Allergen controls are cross cutting in nature, and to ensure effective enforcement by the Operational Delivery Division, these findings demonstrate the need to explore the wider food safety management systems and the contexts in which allergens are a part. This raises issues which require at least policy review, documentation refreshing and legislation monitoring followed by action planning and root cause analysis. These issues cover the following areas for consideration.
- 2.8 The audit found that coordination and cooperation between the Operational Delivery Division and Local Authorities has been taking place but has not matured or developed in line with the current legislative requirements. This was evidenced by the lack of liaison arrangements in areas such as regular sharing of planning and outcomes of interventions, and the sharing of information of potential concerns or new developments of a particular FBO. The auditors consider that these scenarios should be promptly considered as potential reputational risks to FSS to minimise their impact and enhance the overall delivery of official controls and so improve public health controls.
- 2.9 The audit verified wider concerns over the effectiveness in the delivery method of the Dual Enforcement (FSS – Local Authority) approach model in FSS approved establishments. On-site verification visits evidenced the close inter-connection and overlap in some aspects of these delivery processes. In particular, and relevant to this audit, the audit identified a gap in clarity and understanding by field staff on those aspects of official controls that are the responsibility of Local Authorities and the interconnection with those requirements enforced by FSS.

### **Specific findings to the Audit Process.**

- 2.10 A common denominator found during the on-site verification visits was that the Veterinary Auditors did not take into account the results of those controls performed by a third party at the FBO's request, nor other information that might indicate non-compliance, such as interventions conducted by the Local Authority. As these are comprehensively covered by the applicable legislation, it is a requirement to take these areas into account within the scope of all interventions. At the present time this consideration is not FSS policy, but we consider this

should be reviewed at FSS level, to ensure legal compliance and effective and co-ordinated enforcement.

- 2.11 At an operational level, the on-site reality visits by the Auditors indicated that the current audit model concentrates on the delivery from a general vertical approach which is based on the verification of individual systems in each audit intervention. This audit evidenced the need for the Operational Delivery Division to consider a multi-level system and risk assessment targeted approach at an individual plant level, informed by the potential risks identified at the gathering of information stage as part of the audit planning process.
- 2.12 While internal documented verification procedures provide a degree of assurance, the Auditors noted that the verification element of the on-site audit process could complement other mitigation actions currently in place and provide further assurance to management.
- 2.13 The audit recognises the work by the FSS Veterinary Audit Team in the managing the delivery of the audit programme. All planned audit interventions have been achieved to date.

## Level of Assurance

- 2.14 **The Audit Assurance Team recognise that the level of Assurance for those specific findings associated to the subject audited – Allergens – would indicate that what is being covered is being done competently. It is considered that the high risk and impact of the additional legal requirements, few references to Allergens in the Scottish Manual for Official Controls, and the requirement to develop a comprehensive policy for the delivery of FSS’s objectives, deems the final Audit Assurance outcome within the Limited Assurance category.**
- 2.15 As detailed in FSS’s Official Feed and Food Controls Delivery Audit Charter ([FSS/ENF/18/001](#)), the audit has been assigned as below:
- 2.16 The Recommendations within this report detail the limitations in the controls that the Operational Delivery Division should address.

<b>Limited Assurance</b> <b>Controls are developing but weak.</b>	There are weaknesses in the current risk, governance and/or control procedures that either do, or could, affect the delivery of any related objectives. Exposure to the weaknesses identified is moderate and being mitigated.
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- 2.17 The above assurance category is based upon four categories of audit assurance levels that is applied in relation to individual reports.

<b>Substantial Assurance</b>  <b>Controls are robust and well managed</b>	Risk, governance and control procedures are effective in supporting the delivery of any related objectives. Any exposure to potential weakness is low and the materiality of any consequent risk is negligible
<b>Reasonable Assurance</b>  <b>Controls are adequate but require improvement</b>	Some improvements are required to enhance the adequacy and effectiveness of procedures. There are weaknesses in the risk, governance and/or control procedures in place but not of a significant nature.
<b>Limited Assurance</b>  <b>Controls are developing but weak</b>	There are weaknesses in the current risk, governance and/or control procedures that either do, or could, affect the delivery of any related objectives. Exposure to the weaknesses identified is moderate and being mitigated.
<b>Insufficient Assurance</b>  <b>Controls are not acceptable and have notable weaknesses</b>	There are significant weaknesses in the current risk, governance and/or control procedures, to the extent that the delivery of objectives is at risk. Exposure to the weaknesses identified is sizeable and requires urgent mitigating action

## 3.0 Audit Findings

- 3.1 The findings reported below detail both corrective and preventive actions which are not confined to addressing specific technical requirements, but also include system-wide measures. Conclusions address the compliance with the planned



arrangements, the effectiveness of their implementation and the suitability of the planned arrangements to achieve the stated objectives as appropriate.

**Retained Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as amended.**

3.2 Article 5. General obligations concerning the competent authorities and the organic control authorities.

<a href="#">Article 5</a>	<b>Audit Findings</b>
Points 1 (a,b)	<p><b>General arrangements and procedures.</b></p> <p>The audit recognises that allergens cannot be considered in isolation as their control is an integral part of a Food Safety Management System.</p> <p>Verification of FBOs Allergen Management Controls in FSS approved establishments is delivered by the Operational Delivery Division through the application of multiple official controls through an Official Control Verification (OCV) based approach. These planned arrangements are embedded within the audit cycle for each establishment, and requires effective and consistent delivery of those official controls needed to verify the FBO's Food Safety Management Systems. This is achieved through a number of annually determined official control interventions to each establishment which comprises desk top assessments, coupled with a variable number of announced and unannounced interventions.</p> <p>In general, targeted theme inspections at plant level, such as allergen controls, are contemplated within these operational arrangements – FSS Operational Intervention Protocol – and are based on information received and obtained from intelligence, food incidents and monitoring procedures. The need for these types of targeted intervention was evidenced for allergens' controls work area in an individual food business in the previous calendar year, as the result of information communicated by the Scottish Food Crime and Incidents Unit (SFCIU), this resulted in enforcement action linked to the FBO's allergen training requirements.</p> <p>These overarching arrangements are managed by the Operational Delivery Division's Veterinary Audit Team who ensure that audit cycles are complete and all FBO systems are verified through the year for each approved meat establishment. The audit noted and recognises the work done in this regard.</p> <p>The SMOC provides procedures and arrangements to ensure the effectiveness and appropriateness of official controls.</p> <p>The audit found few references in this Manual to allergens and operational procedures and guidance directed to the verification of Allergen Management Controls within the wider Food Safety Management System</p>

	<p>(FSMS). For instance, the list of the 14 allergen ingredients is not mentioned, nor is consideration given to a multi-system approach to interventions when verifying allergen control, or information on new developments related to this subject. While we acknowledge that the SMOC is not designed to provide detailed information on all potential specific themes, as these may be included in the wider general information and procedures, we consider the need to enhance the emphasis given to allergen management within the SMOC to strengthen and improve the content and raise staff awareness. <a href="#">(Recommendation 1).</a></p>
Point 1 (e)	<p><b>Capacity</b></p> <p>The audit team found that the audit programme is currently being delivered by the three experienced Veterinary Auditors who might on occasion also get supported in the delivery of the audit programme by the three Veterinary Advisors (VAs). Prior to this, some of the unannounced audit inspections had been conducted by trained Meat Hygiene Inspectors (MHIs) and Official Veterinarians (OVs), although this practice is currently on hold pending further finalisation of the training programme for a number of selected OVs and MHIs.</p> <p>The baseline qualifications for Veterinary Auditors and VAs is the degree in Veterinary Science complemented with the Lead Auditor, OCV training and HACCP level 4 qualifications.</p> <p>Evidence indicated that the capacity arrangements for the delivery of the audit programme have been sufficient. All 15 audit systems have been verified in at least one of the audit interventions for each approved establishment in the audit cycle.</p>
Point 1 (f)	<p><b>Equipment</b></p> <p>Arrangements are in place to ensure staff delivering these official controls are provided with the required equipment and facilities to undertake tasks as per existing procedures in the SMOC. It was observed that these procedures do not consider the need to equip operational staff with allergen test kits.</p>
Point 1 (g)	<p><b>Authorisations</b></p> <p>Authorisations are issued centrally by FSS. Staff authorisations were presented as evidence and these were found to state all required legislation and powers to perform these official controls.</p>
Point 4	<p><b>Training</b></p> <p>The audit observed a reasonable level of allergen awareness for those members of the Operational Delivery Division's staff interviewed.</p> <p>In line with the findings in the SMOC, we found few references specifically to allergens and allergen management controls in the training material provided for the OV, MHI and UAI courses. The references focusses mostly on the consideration of those hazards and control measures</p>

associated to allergens from the general HACCP plan perspective. While this is a baseline factor in the control of allergens, it is recommended that the training arrangements should provide more focussed material directed to the verification of this particular subject. This would complement additional qualifications such as HACCP level 3 and 4 already provided.

As part of ongoing specific training, we were directed to the FSS Online Allergy Training available on the FSS website. It was noted that field staff were made aware of this course and it is also listed in the 2023-2024 training recording spreadsheet, however, its completion has not been made compulsory and there is uncertainty as to the uptake and level of completion by field staff.

During the audit process, FSS launched a new Advanced Online Allergen Training Course. This was communicated through routine communication channels to all FSS staff. We did not find evidence of use or consideration of this training material by the Operational Delivery Division as yet, and on some occasions staff interviews indicated the lack of awareness of this training.

As evidenced, the Operational Delivery Division has a representative currently taking part in the Allergen Awareness Project in collaboration with the Food Standards Agency (FSA) Veterinary Auditors team, with the aim to promote and improve awareness of food allergies and develop a specific training directed to Enforcement Officers on the delivery of this official controls. Participation on this project is encouraged and should improve the awareness and management of allergens' control.

It is recommended that as a result of these shortcomings / omissions in the following:

- (a) the current training material for newly qualified OV's, MHIs and UAI Officers, and
- (b) the ongoing planned training arrangements,

training should be enhanced to include more comprehensive information in the allergens specific work area.

Staff performing official controls and other official activities shall receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to perform official controls and other official activities in a consistent manner. [\(Recommendation 2\).](#)

On-site verification reality checks and staff interviews evidenced the multiple interconnection and overlaps in some aspects of the wider context of allergen controls verification requirements between Food Hygiene and Food Standards. The audit found a lack of clarity at field operational level with regards to the broader interpretation of Food Standards for this area of work, enforced in these establishments by Local Authorities (LAs), and the potential interconnection with Food Hygiene requirements, enforced by FSS. [\(Recommendation 3\).](#)

Point 5	<p><b>Cooperation and Coordination.</b></p> <p>Evidence was gathered of regular planned meetings with other FSS Divisions in which allergens related issues can be discussed when needed.</p> <p>The Operational Delivery Division is also represented on the FSS allergens' cross-office working group where general information and actions on allergens is shared within the participants.</p> <p>The need to explore the wider food safety management systems and context in which allergen controls sit, has led to some findings which are of a higher level and therefore raise strategic and policy issues which require action planning and root cause analysis. These issues cover the following areas for consideration:</p> <p>There appears to be some engagement between the Operational Delivery Division and LAs in response to specific incidents and investigations. However, the audit found that coordination and cooperation between both Competent Authorities has not matured or developed in line with the current legislative requirements in regards to its efficiency and effectiveness. This was evidenced by the lack of liaison arrangements in areas such as regular sharing of planning and outcomes of interventions, and the sharing of information of potential concerns or new developments of a particular FBO, all of these which could inform the overarching delivery of official controls in these establishments.</p> <p>The lack of knowledge to these liaison arrangements was a common finding throughout the Operational Delivery Division's staff interviews and the three on-site verification visits. Of particular relevance were the findings during a verification visit in one of the selected establishments where the Veterinary Auditor identified a number of potential food standards issues which were relevant to the LA, hence to the overarching delivery of official controls under this Dual Enforcement model. Furthermore, follow up checks identified that food standards interventions in this establishment had not taken place since 2010 (Scottish National Database data) and very little communication had occurred between the Operational Delivery Division and the LA responsible for the establishment.</p> <p>The audit considers these findings as negative indicators of the assurance of the effectiveness in the application of the Dual Enforcement model in these establishments. This could be of potential reputational risk to FSS and Public Health and consideration to these findings should be given as to minimise their impact and enhance the overall delivery of official controls.</p> <p>When, within the services of a competent authority, more than one unit is competent to perform official controls or other activities, efficient and effective coordination and cooperation shall be ensured between the different units. It is concluded that these legal requirements are not being met in full. Although we recognise that the governance of this risk is shared between different FSS Divisions and stakeholders, we would recommend FSS, through the Operational Delivery Division, to consider the findings of</p>
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	<p>this audit and work with appropriate colleagues to develop and deliver mitigation actions and effective monitoring to eliminate or minimise this risk within the current delivery of the Dual Enforcement model.</p> <p><a href="#">(Recommendation 4).</a></p> <p>When considering this recommendation further consideration should be given to Articles 102 to 105 of this legislation which details the legislative mechanism and arrangements to be set up between all competent authorities.</p>
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Recommendations	
1.	To enhance the content of allergens and allergens' management verification controls in the SMOC.
2.	To enhance the content in allergen management and awareness in the training material for OVs, MHIs and UAI Officers, both for new candidates and existing staff members.
3.	To provide clarity and guidance at field staff level on the broader interpretation on Food Standards, enforced by LAs and the potential interconnection with Food Hygiene requirements, enforced by FSS.
4.	Consideration to be given to the development of liaison arrangements to ensure cooperation and coordination between all different units delivering official controls is efficient and effective in all FSS approved establishments.

### 3.3 Article 12. Documented control procedures.

<a href="#">Article 12</a>	Audit Findings
	<p>The Veterinary Audit team meets on a monthly basis where general audit issues are discussed. Procedures have been established to record the actions following the meetings – Audit Team Action and Decision Log – however, we found that this management record has not been maintained throughout its implementation, likely linked to changes in roles for some of the Veterinary Branch's team members. <a href="#">(Recommendation 5).</a> Confirmation on the restarting of this management form was provided during the completion of this report.</p> <p>There was also evidence of internal verification monitoring procedures having been applied to the Establishment Live Report (ELR) generated by the Veterinary Auditors following the audit intervention in the three selected food establishments. Records of these actions are maintained in the OCV Audit &amp; UAI Schedule spreadsheet.</p>

	<p>These verification exercises provide a degree of assurance at a quality and consistency level of these reports, providing valuable information to the audit management team.</p> <p>The audit found that there are arrangements covering accompanied interventions for training purposes and for those more complex scenarios such as investigations and less cooperative FBOs. However, the audit noted that the verification element of the on-site audit process could complement other mitigation actions currently in place and provide further assurance to management. Evidence indicated the need to strengthen this element as a tool to instigate technical discussions and promote consistency in audit methodology approach between Veterinary Auditors at plant level . We recommend consideration to be given to the findings as to enhance the current control verification procedures in place.</p> <p><b><u>(Recommendation 6).</u></b></p> <p>Planned arrangements are in place to monitor the general level of compliance at each establishment. This is based on the number and severity/risk of enforcement actions taken in a period of time in each of the 15 FBOs systems audited. This information is compiled and discussed at the monthly (or more often) Veterinary Branch or bi-monthly Operations Management Team (OMT) Meetings. The evidence presented, also indicated the ability to streamline these monitoring checks to the subject audited by combining the enforcement entries from those relevant systems to allergen controls, though it was noted that this had not been exercised previous to this internal audit request.</p>
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Recommendations	
5.	Use of the Audit Team Action and Decision Log to be resumed.
6.	Consideration to be given to strengthen the current control verification procedures by enhancing the reality element.

### 3.4 Article 13. Written records of official controls.

<a href="#">Article 13</a>	Audit Findings
Point 1	<p>Audit findings are captured in the ELR which is completed after each audit intervention by the Veterinary Auditor. These reports are then emailed to the FBO as a means to communicate the audit findings and other information related to the intervention. These written records contain all required information stated in this article.</p> <p>The ELR covers the 15 audit systems, each of them has a separate section within the ELR. The theme audited - allergens - cannot be captured or recorded solely under a single system, therefore, references to allergen</p>



	management controls are captured within a number of subsections in those systems which might be related to these controls. Findings and evidence related to the area audited were captured in Cross contamination, HACCP, Labelling and Training sections in the ELRs produced after the three on-site verification visits.
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## Recommendations

No recommendation for Article 13.

### 3.5 Article 9 and 14. General rules on official controls and Methods and Techniques for official controls.

<a href="#">Article 9</a> <a href="#">Article 14</a>	Audit Findings
	<p>Whilst this audit focussed on the subject audited, the need to explore the wider framework in which the verification of the FBO Allergen Management Controls sits within the delivery of official controls, guided the Auditors to findings directly related to the methodology of the delivery of Veterinary Audits.</p> <p>This audit highlighted some difficulties encountered by the Veterinary Auditors when auditing the specific theme of allergens, which does not fall under a single audit system and for which full verification based on OCV principles requires the crossover verification on a number of different systems. This application of a horizontal audit approach differs from the one currently applied by Veterinary Auditors which appears to be more focused on vertical audit methodology through individual selected systems in each audit intervention.</p> <p>At a practical level, in order to follow the current ongoing audit annual cycle plan for each of the three food establishments selected for on-site verification visits, Veterinary Auditors had to accommodate the full verification of the FBO's allergen management controls while fulfilling the verification of other systems which were due as per the audit cycle's plan, independently, whether these were linked to allergens or not. This may have contributed to the Veterinary Auditors focused approach to allergens. The theme of the audit also required on some occasions the verification of some aspects of other systems which had been verified in previous audit interventions.</p> <p>The audit observed different approaches to the subject audited and the general structure of the overall audit system planning. It was considered that the audit evidenced the need for a multi-system and risk assessment targeted approach at an individual plant level, informed by the potential</p>

	<p>risks identified at the gathering of information – desktop audit intervention – as part of the audit planning process. <a href="#">(Recommendation 7).</a></p> <p>A common denominator during the on-site verification visits was that Veterinary Auditors did not take into account the results of those controls performed by a third party at the FBO's request, nor other information that might indicate non-compliance, such as, interventions conducted by the LA. Furthermore, interviews conducted indicated the lack of these arrangements in the SMOC or wider FSS documentation. Official controls shall be performed taking account of the reliability and results of own controls that have been performed by the operators, or by a third party at their request, and any information that might indicate non-compliance with the rules referred to in Article 1(2) – Subject matter and scope of these Regulations. The audit concluded that these requirements were not fully considered and met. At the present time this consideration is absent from FSS policy and we consider this should be promptly reviewed. <a href="#">(Recommendation 8).</a></p>
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## Recommendations

**7.** To enhance the content of allergens and allergens management verification controls, a generic and flexible audit system encompassing relevant horizontal factors should be available and implemented effectively.

**8.** To enhance the content of allergens and allergens management controls verification, official controls on all operators should be performed taking account of the reliability and results of own controls that have been performed by a third parties and any information that might indicate non-compliance.

### 3.6 Article 138. Actions in the event of established non-compliance.

<a href="#">Article 138</a>	Audit Findings
	<p>Operational guidance on actions in the event of established non-compliance are embedded in the SMOC. The audit found adherence to these procedures by the Veterinary Auditors.</p> <p>Verification on-site visits resulted in enforcement action taken in one of the selected food establishments. This enforcement action was recorded in the ELR report as a minor active non-compliance in the HACCP section under point 9.5. The Completion date for the corrective action by the FBO was agreed and stated in this report for monitoring and verification follow up.</p> <p>Enforcement actions for each approved establishment are captured in the online establishment enforcement programme which are readily accessible to all operational field staff and management team.</p>

## Recommendations for Article 138

No recommendation for Article 138.



## 4.0 Annex A – Action Plan

### Action Plan for the Operational Delivery Division: Allergens Audit, 2023/24 – Quarter 1

Recommended Point for Action	Planned actions	Target date for completion	Responsible Officer(s)
<p>1. To enhance the content of allergens and allergens' management verification controls in the SMOC. <b><u>Priority: High</u></b></p>	The relevant Chapter/s of the SMOC will be reviewed, enhanced as required and issued to Field staff with an Action Note mandating documented revision of the added content.	April 2024	Veterinary Auditor
<p>2. To enhance the content in allergen management and awareness in the training material for OV's, MHIs and UAI Officers, both for new and existing staff members. <b><u>Priority: High</u></b></p>	The training materials for Trainee Official Veterinarians (TOVs), MHIs (and UAI Officers, if not already covered under the TOV or MHI training) will be enhanced with allergens specific content. The same training will be rolled out to all existing field staff and Veterinary Management team for completion.	April 2024 to develop the training June 2024 for all existing staff to have completed it	Veterinary Advisor
<p>3. To provide clarity and guidance at field staff level on the broader interpretation on Food Standards, enforced by LAs, and the potential interconnection with Food Hygiene requirements, enforced by FSS. <b><u>Priority: High</u></b></p>	A guidance document explaining the crossover between FSS and LA remit in FSS approved establishments will be drafted and included in the SMOC via an Action Note.	April 2024	Veterinary Advisor

<p>4. Consideration to be given to the development of liaison arrangements to ensure cooperation and coordination between all different units delivering official controls is efficient and effective in all FSS approved establishments.</p> <p><b><u>Priority: High</u></b></p>	<p>Operational Delivery (OD) Division will explore and implement, if feasible, the below actions aimed at improving and formalising liaison arrangements between FSS and LAs:</p> <ul style="list-style-type: none"> <li>• Regular review of the LA Food Standards data on Scottish National Database.</li> <li>• Regular communication with the LAs highlighting the audit outcomes, particularly the Improvement Necessary and Urgent Improvement Necessary ones, potentially via the Monthly Enforcement Report. This could also include a request for LA Lead Food Officers to contact OD Division for more information if anything significant and vice versa, to request LAs to provide any information of significance for Food Standards in FSS approved establishments.</li> <li>• Targeted engagement with LA Officers for specific establishments of concern.</li> </ul> <p>Once implemented, these arrangements will be formally issued to staff via an Action Note or included in the SMOC directly.</p>	<p>June 2024</p>	<p>Head Veterinarian</p>
<p>5. Use of the Audit Team Action and Decision Log to be resumed.</p> <p><b><u>Priority: Low</u></b></p>	<p>Use of the Operational Delivery Audit Team Action and Decision Log to be resumed.</p>	<p>October 2023</p>	<p>Head Veterinarian</p>

<p>6. Consideration to be given to strengthen the current control verification procedures by enhancing the reality element.</p> <p><b><u>Priority: Medium</u></b></p>	<p>Consideration to that effect will be given by the Veterinary team and this will be further assessed as part of the next internal audit focussed specifically on Internal Monitoring procedures.</p>	<p>April 2024</p>	<p>Head Veterinarian</p>
<p>7. To enhance the content of allergens and allergens management controls verification, a generic and flexible audit system encompassing relevant horizontal factors should be available and implemented effectively.</p> <p><b><u>Priority: High</u></b></p>	<p>The Audit Operational Guidance document will be reviewed and this recommendation considered.</p>	<p>March 2024</p>	<p>Veterinary Auditor</p>
<p>8. To enhance the content of allergens and allergens management controls verification, official controls on all operators should be performed taking account of the reliability and results of controls that have been performed by third parties and any information that might indicate non-compliance.</p> <p><b><u>Priority: High</u></b></p>	<p>Audit methodology and template report will be reviewed and updated to include mandatory request for third party audit reports or at least the outcomes of these inspections.</p>	<p>April 2024</p>	<p>Head Veterinarian</p>
<p><b>All actions were completed following the receipt of evidence from the Operational Delivery Division – April 2025.</b></p>			

## 5.0 Acknowledgements

The Audit Assurance Team would like to acknowledge the help and co-operation of the Operational Delivery Division staff for their assistance with the conducting of this audit.

Audit Assurance Division  
Food Standards Scotland

## Abbreviations

<b>ELR</b>	Establishment Live Report
<b>EU</b>	European Union
<b>FBO</b>	Food Business Operator
<b>FSA</b>	Food Standards Agency
<b>FSMS</b>	Food Safety Management System
<b>FSS</b>	Food Standards Scotland
<b>HACCP</b>	Hazard Analysis and Critical Control Point
<b>LA</b>	Local Authority
<b>MHI</b>	Meat Hygiene Inspector
<b>OCV</b>	Official Control Verification
<b>OD</b>	Operational Delivery
<b>OMT</b>	Operations Management Team Meeting
<b>OV</b>	Official Veterinarian
<b>SFCIU</b>	Scottish Food Crime and Incidents Unit
<b>SMOC</b>	Scottish Manual for Official Controls
<b>TOV</b>	Trainee Official Veterinarian
<b>UAI</b>	Unannounced Inspection
<b>VA</b>	Veterinary Advisor